

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JESSICA NICOLE STAFFORD,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. <u>1:17-cv-636</u>
	§	
MID-CONTINENT CASUALTY	§	
COMPANY,	§	
	§	
Defendant.	§	

DEFENDANT MID-CONTINENT CASUALTY COMPANY'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendant, MID-CONTINENT CASUALTY COMPANY, and files this Notice of Removal, and would show the court the following:

I.
INTRODUCTION

1. Plaintiff is Jessica Nicole Stafford. Defendant is Mid-Continent Casualty Company ("Mid-Continent").
2. On May 10, 2017 Plaintiff sued Defendant in the 250th Judicial District Court of Travis County, Texas, in Cause No. D-1-GN-17-002038 styled *Jessica Nicole Stafford v. Mid-Continent Casualty Company*, which case is still pending in said court.
3. Mid-Continent was served with such suit by certified mail, return receipt requested on June 9, 2017. Mid-Continent files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

II.
BASIS FOR REMOVAL

4. Removal is proper because there is complete diversity between the parties and the amount in controversy exceeds \$75,000. *See* 28 U.S.C. §1332(a). Plaintiff is an individual residing in Travis County, Texas. Defendant is a foreign corporation organized and existing under the laws of the state of Ohio with its principal place of business in Tulsa, Oklahoma. Therefore, there is diversity of citizenship in this case.

5. The amount in controversy exceeds \$75,000, as Plaintiff sued for monetary relief in the amount of \$271,599.50, for the judgment entered in the 250th District Court of Travis County, Texas, as set forth in Plaintiff's Original Petition and Request for Disclosure. According to Plaintiff's Original Petition and Request for Disclosure, Plaintiff also seeks reasonable and necessary attorney's fees in accordance with the provisions of the Texas Civil Practice & Remedies Code chapter 38, interest on the judgment at the legal rate from date of judgment in this matter, costs of court, and such other and further relief to which the Plaintiff may show herself justly entitled.

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court action where the action has been pending is located in this district.

7. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

8. All pleadings, process, orders, and other filings in the state court action will be attached to this notice as required by 28 U.S.C. §1446(a) as follows:

- (a) Travis County Docket Sheet;
- (b) Plaintiff's Original Petition and Request for Disclosure;
- (c) Executed Return of Citation; and

(d) Defendant Mid-Continent Casualty Company's Original Answer.

If any further pleadings have been filed with the court, we will supplement this removal.

III.
PRAYER

WHEREFORE, Defendant, **MID-CONTINENT CASUALTY COMPANY**, asks the Court to remove the action referred to as Cause No. D-1-GN-17-002038 styled *Jessica Nicole Stafford v. Mid-Continent Casualty Company*, in the 250th Judicial District Court of Travis County, Texas, to this federal court.

Dated: June 28, 2017

Respectfully submitted,

By: /s/ R. Brent Cooper

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ATTORNEYS FOR DEFENDANT
MID-CONTINENT CASUALTY COMPANY

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing document was served on counsel for all parties listed below pursuant to the Federal Rules of Civil Procedure on the 28th day of June 2017.

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ATTORNEYS FOR PLAINTIFF, JESSICA NICOLE STAFFORD

/s/ R. Brent Cooper
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